

THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELENGANA AND THE STATE OF ANDHRA PRADESH

WEDNESDAY THIS THE TWENTY NINETH DAY OF APRIL
TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE MR JUSTICE M.S.RAMACHANDRA RAO

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CRIMINAL PETITION No.3314 of 2015

Between:

Gubbala Nagamalleswararao @ Mallesu @ Mahesh

and 2 others

..... PETITIONERS

AND

The State of Andhra Pradesh,

Rep.by its Public Prosecutor,

High Court at Hyderabad

.....RESPONDENT

The Court made the following:

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

CRIMINAL PETITION No.3314 of 2015

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ORDER:

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This criminal petition is filed under Section 482 Cr.P.C to stay all further proceedings in S.C.No.48 of 2014 before the VI Additional Sessions Judge, Kakinada till committal of PRC.No.13 of 2014 before the IV Additional Judicial First Class Magistrate, Kakinada.

2. Petitioners are accused in both the cases in SC.No.48/2014 as well as PRC.No.13/2014. In SC.No.48/2014 the charge against the petitioners is that they have conspired together and murdered one Gubbala Babji. In PRC.No.13/2014 the charge against the petitioners is that they had murdered one Bandam Veera Venkata Raghu @ Raghu. These incidents admittedly occurred on 12.10.2012 and 29.08.2012 respectively.

3 . According to the prosecution, Veera Venkata Raghu @ Raghu is the husband of the 2nd petitioner, and the 1st petitioner in conspiracy with Gubbala Babji, killed Veera Venkata Raghu @ Raghu on 29.08.2012 and later, when Gubbala Babji tried to blackmail the petitioners 1 and 2, he was killed by the petitioners.

4 . Counsel for the petitioners would submit that as regards the incident involving murder of Gubbala Babji, charge sheet has been filed, after committal, the case is numbered as S.C.No.48 of 2014 before the VI Additional Sessions Judge, Kakinada; but the incident involving the murder of Veera Venkata Raghu @ Raghu is still at the PRC stage, and although charge sheet is filed, no committal has been made to the Sessions Court. He contends that unless the proceedings in the Sessions Case are stayed till the committal of PRC.No.13 of 2014 in the matter of murder of Veera Venkata Raghu @ Raghu, the petitioners' would be prejudiced, because they would be forced to reveal their defence in the Sessions Case. The petitioners, therefore, pray that the proceedings in S.C.N o.48/2014 be stayed till PRC No.13/2014 is committed to Sessions Court.

5. I am unable to agree with the said submissions. The incidents are different in both the cases. Persons allegedly murdered are different and even if there is some connection between both cases, merely because one case is at PRC stage, and the other has already been committed, no prejudice would be caused to the petitioners. It is open to the petitioners to take whatever defence available to them at law in both cases, as per the legal advice they obtain.

6. In this view of the matter, I am not inclined to stay the proceedings in S.C.No.48/2014 before the VI Additional Sessions Judge, Kakinada till committal of PRC.No.13 of 2014 before the IV Additional Judicial First Class Magistrate, Kakinada.

7. The Criminal Petition is accordingly dismissed.

Pending miscellaneous petitions, if any, shall stand closed in consequence.

M.S.RAMACHANDRA RAO,J

Date: 29.04.2015

Dsr